

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA**

<b>DAVID EDWARD RICHARDSON,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No. 1:05-cv-709-MHT-DRB</b>
	)	
<b>GENEVA COUNTY JAIL, et al.</b>	)	
	)	
<b>Defendants.</b>	)	

**DEFENDANTS' ANSWER TO PLAINTIFF'S COMPLAINT**

COME NOW Greg Ward, Sheriff of Geneva County, Alabama, Carl Rowe, Jail Administrator of the Geneva County Jail, Jailer Donald Weeks, and Matron Amber Paul, Defendants in the above-styled cause and answer the Plaintiff's Complaint as follows:

**Answer**

The Defendants in this action deny each and every allegation made by the Plaintiff, David Edward Richardson, and demand strict proof thereof. The Defendants deny that they acted, or caused anyone to act, in such a manner so as to deprive the Plaintiff of his constitutional rights.

**Affirmative Defenses**

1. The Plaintiff's Complaint, separately and severally, fails to state a claim upon which relief may be granted.
2. The Defendants in this action, in their individual capacities, are entitled to qualified immunity from the Plaintiff's claims.
3. The Defendants in this matter, in their official capacities, are entitled to absolute immunity from the Plaintiff's claims pursuant to the Eleventh Amendment to the United States Constitution.

4. Defendants, in their official capacities, are not “persons” under 42 U.S.C.A. § 1983.

5. The Plaintiff’s claims are barred by the Prison Litigation Reform Act.

6. Plaintiff fails to allege any affirmative causal link between the alleged acts of Defendants and any alleged constitutional deprivation or Defendants’ direct participation in any alleged constitutional violation.

7. Defendants are not liable based upon *Respondeat Superior* theories of liability.

8. Plaintiff has not had a serious medical need.

9. Defendant was not deliberately indifferent in any respect.

10. The Plaintiff cannot prove a violation of his rights under the Eighth or Fourteenth Amendments to the United States Constitution.

11. Defendants, in their individual capacities, are not subject to suit under the ADA.

12. Defendants, in their official capacities, are not liable for money damages under Title II of the ADA.

13. Defendants have not violated the ADA.

Respectfully submitted this 24th day of October, 2005.

**s/C. Richard Hill, Jr.**  
C. RICHARD HILL, JR. Bar No. HIL045  
Attorney for Defendants  
WEBB & ELEY, P.C.  
7475 Halcyon Pointe Drive  
Post Office Box 240909  
Montgomery, Alabama 36124  
Telephone: (334) 262-1850  
Fax: (334) 262-1889  
E-mail: [rhill@webbeley.com](mailto:rhill@webbeley.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 24th day of October, 2005, I have served the foregoing document on the following:

David Edward Richardson  
Geneva County Jail  
P.O. Box 115  
Geneva, AL 36340

by placing a true and correct copy of the foregoing in the U.S. Mail, postage prepaid, on this the 24th day of October, 2005.

**s/C. Richard Hill, Jr.**  
OF COUNSEL